

Date: December 22, 2015

From: Principal Executive Director, Office of Acquisition, Logistics, and Construction (OALC)
and Acting Chief Acquisition Officer (003)

Subj: Encouraging Industry Engagement (VAIQ 7634725)

To: Under Secretaries, Assistant Secretaries, and Other Key Officials

1. I have received feedback suggesting OALC had issued policy which limits interaction with industry above and beyond the requirements in the Federal Acquisition Regulation (FAR). This is a misconception and is simply not true; in fact, I strongly support and encourage a robust dialogue with industry throughout the acquisition life cycle, beginning in the pre-award phase and continuing through contract performance. Below is further clarification on several of the key areas involved.

2. Government officials can generally meet in one-on-one or group settings with industry representatives to gather market data as long as no vendor receives preferential treatment. Early, frequent, and constructive engagement with industry is especially important. Access to current market information is critical for agency mission owners and program/project managers (PPMs) as they define requirements. Access is also important for contracting officers (COs) as they develop acquisition strategies, seek opportunities for small businesses, and negotiate contract terms. Our industry partners are often the best source of this information, so productive interactions between us and our industry partners are encouraged to ensure that the government clearly understands the marketplace and can award contracts or orders for effective solutions at reasonable prices. Additionally, the attached Office of Federal Procurement Policy (OFPP) memoranda, "Myth-Busting and Myth-Busting 2" provide further clarification on the "Do's and Don'ts" for industry engagement.

3. Prior to issuance of the solicitation, government officials, including the program manager, business owner, and contracting officers, may meet with potential offerors to exchange general information and conduct market research related to an acquisition. However, any information that is shared in a meeting that could directly affect proposal preparation must be shared in a timely manner with all potential offerors to avoid providing any offeror with an unfair advantage. Some examples that Federal officials may participate in to promote the exchange of information include the following events:

- a. Industry or small business conferences;
- b. Market research;
- c. Site visits;
- d. One-on-one or group meetings with potential offerors;
- e. Pre-solicitation notices;
- f. Draft Requests for Proposals;
- g. Requests for Information; and
- h. Pre-solicitation or preproposal conferences.

4. The Competition in Contracting Act and Government ethics rules, as well our acquisition principles, prohibit preferential treatment of one vendor over another. When

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communications with a potential offeror is expected to include contract terms and conditions, it should include, or at least be coordinated with, the CO. After the solicitation is issued and before the contract awarded, the contracting officer shall be the focal point for these exchanges and for any contract term and condition related events and issues. In conjunction with the CO, various key VA personnel will acquaint the contractor with their responsibilities and expectations during the post award conference.

5. After contract award, many interactions take place between the successful contractor and other VA staff. It is essential that PPMs and the contractor have ongoing interactions and develop a strong partnership to ensure that the mission needs are being met and terms of the contract are being adhered to. It is a best practice that the contractor and Government PPMs have regular progress meetings. Depending on the procurement's complexity, more frequent and more complex interactions may need to take place, such as formal In Process Reviews (IPR). Meetings such as these take place between numerous stakeholders within the VA and the contractor (and the contractor's team) to ensure a timely and quality result.

6. The Contracting Officer's Representative (COR) often plays a crucial part in the interaction between the contractor and the Government. The COR works for the business owner or the program office and serves as the "eyes and ears" of the contracting officer. The COR and contractor interact on a regular basis to ensure the needs of both the Government and the contractor are being met.

7. Another aspect of having robust dialogue with industry is to provide industry a way to tell us how their views on the overall acquisition process. The Office of Management and Budget's [Acquisition 360 Initiative](#) will enable industry to provide feedback on how well agencies do on specific acquisitions, which in turn, will allow agencies to have better, more actionable data that will help them improve the efficiency and effectiveness of the acquisition process.

8. Most importantly, VA and industry must establish a strong partnership that enables us to provide the premier value and service that our Veterans, taxpayers, and employees deserve.

9. To further disseminate this message, an Acquisition Flash will be sent to ensure the word gets out across VA. The Office of Acquisition and Logistics, Procurement Policy and Warrant Management Service is available to answer questions or address concerns at (202) 632-5288 or va.procurement.policy@va.gov

/s/Gregory L. Giddens

Attachments: (2)



OFFICE OF FEDERAL
PROCUREMENT POLICY

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

February 2, 2011

MEMORANDUM FOR CHIEF ACQUISITION OFFICERS
SENIOR PROCUREMENT EXECUTIVES
CHIEF INFORMATION OFFICERS

FROM: Daniel I. Gordon
Administrator for Federal Procurement Policy

SUBJECT: “Myth-Busting”: Addressing Misconceptions to Improve Communication
with Industry during the Acquisition Process

With expenditures of over \$500 billion annually on contracts and orders for goods and services, the federal government has an obligation to conduct our procurements in the most effective, responsible, and efficient manner possible. Access to current market information is critical for agency program managers as they define requirements and for contracting officers as they develop acquisition strategies, seek opportunities for small businesses, and negotiate contract terms. Our industry partners are often the best source of this information, so productive interactions between federal agencies and our industry partners should be encouraged to ensure that the government clearly understands the marketplace and can award a contract or order for an effective solution at a reasonable price. Early, frequent, and constructive engagement with industry is especially important for complex, high-risk procurements, including (but not limited to) those for large information technology (IT) projects. This is why increasing communication, in the form of a “myth-busters” educational campaign, is one of the key tenets of the Office of Management and Budget’s 25 Point Implementation Plan to Reform Federal IT Management.¹

The Federal Acquisition Regulation (FAR) authorizes a broad range of opportunities for vendor communication², but agencies often do not take full advantage of these existing flexibilities. Some agency officials may be reluctant to engage in these exchanges out of fear of protests or fear of binding the agency in an unauthorized manner; others may be unaware of effective strategies that can help the acquisition workforce and industry make the best use of their time and resources. Similarly, industry may be concerned that talking with an agency may create a conflict of interest that will preclude them from competing on future requirements, or industry may be apprehensive about engaging in meaningful conversations in the presence of other vendors.

¹25 Point Implementation Plan to Reform Federal Information Technology Management available at

<http://cio.gov/documents/25-Point-Implementation-Plan-to-Reform-Federal%20IT.pdf>

² For example, FAR 10.002(b)(2) authorizes a wide range of techniques for conducting market research, including participation in interactive, online communications with industry.

In light of these challenges, the purposes of this memorandum are to:

- 1) identify common misconceptions about vendor engagement that may be unnecessarily hindering agencies' appropriate use of the existing flexibilities, and provide facts and strategies to help acquisition professionals benefit from industry's knowledge and insight;
- 2) direct agencies to remove unnecessary barriers to reasonable communication and develop vendor communications plans, consistent with existing law and regulation, that promote responsible and constructive exchanges; and
- 3) outline steps for continued engagement with agencies and industry to increase awareness and education.

Nothing in this memorandum should be read to alter, or authorize violations of, applicable ethics rules, procurement integrity requirements, or other statutes or regulations that govern communication and information sharing. However, all methods of communication that are not prohibited, either by those rules or otherwise, should be considered, if they would be helpful.³ In addition, contracting officers, program managers, and other acquisition officials should continue to exercise appropriate discretion to balance the practical limitations of frequent vendor engagement, including the demand such engagement places on the time of the acquisition workforce, with the need to better understand the market and make decisions in the best interest of the government.

Top 10 Misconceptions and Facts

The Office of Federal Procurement Policy (OFPP) held a series of outreach sessions with industry representatives, acquisition professionals, agency procurement attorneys, and others to identify and address core misconceptions about communication between the government and industry during the pre-award acquisition process. While these conversations will continue, as discussed later, ten misconceptions were mentioned frequently, and so are addressed by this memorandum. Attachment 1 lists these issues, and provides additional information and strategies to help agencies promote fair and appropriate engagement during various acquisition phases.

Vendor Communication Plan

Some agencies have developed policies for communicating with industry while others have not, resulting in disparate practices and confusion. To provide better direction to the workforce and to clarify the nature and schedule of engagement opportunities for industry, each agency should develop a high-level vendor communication plan. The plan should discuss how the agency will reduce unnecessary barriers, publicize communication opportunities, and prioritize engagement

³ See FAR Part 1.102(d) stating that if a specific strategy, practice, policy or procedure is in the best interests of the government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive Order or other regulation, then the strategy, practice, policy or procedure is a permissible exercise of authority.

opportunities for high-risk, complex programs or those that fail to attract new vendors during re-competitions. Details on the required elements of this plan are included in Attachment 2.

The 24 Chief Financial Officer (CFO) Act agencies are required to develop a vendor communication plan; to make these plans available to their workforce and the public, as appropriate; and to update them at least annually. These agencies shall submit their draft plans, by June 30, 2011, for review by the Office of Management and Budget. The draft plans will be reviewed by the Administrator for Federal Procurement Policy and the Federal Chief Information Officer (CIO) to ensure that agencies are encouraging more communication, taking advantage of existing authorities, and educating their workforce on communication opportunities. Based on this review, the agencies will finalize their plans and make them available to their workforce and to the public, as appropriate, no later than 30 days after the completion of OMB's review. Small agencies are encouraged to review their existing vendor communication guidance in light of the principles discussed in this memorandum and make appropriate modifications to encourage more communication, or develop guidance if none exists.

Increasing Awareness

Throughout 2011, OFPP will work with the Federal Acquisition Institute (FAI), the Defense Acquisition University (DAU), and agency training practitioners to conduct an awareness campaign to eliminate unnecessary barriers to engagement. As agencies work to develop and refine their vendor communications plans, they will be supported by a number of efforts:

Continued Discussion

Expansion of the conversation between industry and government and the education on both sides must continue in an open, transparent forum. To support this discussion, agencies and industry are invited to join a moderated, online dialogue starting in mid-February to help identify additional misconceptions, concerns, perceived conflicts in policies, and success stories that will help improve communications between government and industry. Additional information on how to participate in this and other discussions will be made available on www.caoc.gov and www.cioc.gov.

Community of Practice (COP)

To help agencies increase and improve vendor engagement, OFPP and E-Gov will launch an online COP no later than June 2011 that will provide additional strategies, do's and don'ts for agencies and for vendors, frequently asked questions, agency and industry success stories, case studies, and other tools to improve engagement. Next month, OFPP will convene a working group of federal acquisition professionals to help define the requirements of this site. If you are interested in participating in this working group, please identify your agency's point of contact by February 14 to Mindy Connolly of OFPP at mconnolly@omb.eop.gov.

Training and Outreach

FAI will develop a continuous learning module that contracting officers, program managers, procurement attorneys, and others can utilize to develop a better understanding of the types of permissible communication. This is scheduled to be available early in the third quarter of FY 2011 on the FAI website – www.fai.gov. Additionally, FAI and OFPP will provide sessions at widely-attended procurement conferences throughout 2011 to increase awareness of the need for more industry engagement. Agencies should provide similar training or outreach efforts, especially to their front line acquisition and program personnel.

Acquisition Communication Platform

In accordance with the 25 Point Implementation Plan to Reform Federal IT Management, the General Services Administration is seeking input from agencies, industry, and other stakeholders on developing a communication platform that would facilitate exchanges for specific planned acquisitions. This platform will allow the government to more easily engage the vendor community during the pre-solicitation stage, and may be further developed to facilitate communication during other stages of the acquisition. Development of the requirements will consider existing platforms and functionality and will be developed in collaboration with the Integrated Acquisition Environment. Additional details will be communicated to the community as they become available.

Conclusion

While agencies do not have the resources, and are not required, to meet with every vendor at every step of the acquisition process, information gathered from industry sources plays an invaluable role in the acquisition process. For this reason, agencies must develop practices that will ensure early, frequent, and constructive communication during key phases of the process. The federal government's ability to achieve successful program outcomes, effectively and efficiently, depends upon agencies establishing effective strategies for industry engagement and supporting those strategies with senior-level commitment.

Thank you for your commitment to this important matter. Please contact Mindy Connolly on (202) 395-7724 or mconnolly@omb.eop.gov if you have any questions.

Attachments

Attachment 1 –Misconceptions and Facts about Vendor Communication

Attachment 2 - Vendor Communication Plans

cc:

Agency General Counsels and Solicitors
Agency Ethics Officers

Misconceptions and Facts about Vendor Communication

1.	Misconception – “We can’t meet one-on-one with a potential offeror.”
	Fact – Government officials can generally meet one-on-one with potential offerors as long as no vendor receives preferential treatment.

Prior to issuance of the solicitation, government officials – including the program manager, users, or contracting officer – may meet with potential offerors to exchange general information and conduct market research related to an acquisition. In fact, the FAR, in Part 15, encourages exchanges of information with interested parties during the solicitation process, ending with the receipt of proposals. There is no requirement that the meetings include all possible offerors, nor is there a prohibition on one-on-one meetings. Any information that is shared in a meeting that could directly affect proposal preparation must be shared in a timely manner with all potential offerors to avoid providing any offeror with an unfair advantage (FAR 15.201(f)).

The government ethics rules and Competition in Contracting Act, (10 U.S.C. § 2304), prohibit preferential treatment of one vendor over another. Where vendor interaction is expected to include contract terms and conditions, any one-on-one meetings should include, or at least be coordinated with, the contracting officer (FAR 15.201).⁴ After the solicitation is issued, the contracting officer shall be the focal point for these exchanges. (Special rules govern communications with offerors after receipt of proposals; that situation is not addressed here.)

Some vendors have expressed concern that involvement in pre-solicitation discussions might lead to exclusion resulting from organizational conflict of interest (OCI) concerns. This should not be the case. While a vendor who, as part of contract performance, drafts the specification for a future procurement will almost certainly be barred by OCI rules from competing for that future procurement, pre-solicitation communications are generally less structured, less binding, and much less problematic. When a vendor, in its role supporting the government, is drafting specifications for a future acquisition, the government is relying on the vendor to provide impartial advice regarding the requirements needed to meet the government’s future needs. Ensuring that the vendor will not be motivated by a desire to win the future contract is the way we try to ensure that this advice will be impartial. This differs dramatically from the pre-solicitation context. In the latter context, the government is not looking for impartial advice from one source, but is instead looking for a variety of options from a variety of sources, each one understandably, and reasonably, attempting to demonstrate the value of its own approach. These marketing efforts, in themselves, do not raise OCI concerns.

⁴ Under sealed bidding procedures, in accordance with FAR Part 14, only the contracting officer, superior, or other authorized individual can transmit this information.

2.	Misconception – “Since communication with contractors is like communication with registered lobbyists, and since contact with lobbyists must be disclosed, additional communication with contractors will involve a substantial additional disclosure burden, so we should avoid these meetings.”
	Fact – Disclosure is required only in certain circumstances, such as for meetings with registered lobbyists. Many contractors do not fall into this category, and even when disclosure is required, it is normally a minimal burden that should not prevent a useful meeting from taking place.

Disclosure is an important tool that ensures public trust in our contracting process, but it should not be an impediment to meeting with contractors and is not required in every circumstance. In the case of meetings where registered lobbyists are employed, contractors are required to track the costs and activities of their lobbying activities, as required by FAR Part 31, but that obligation places the disclosure burden on the contractor and does not require the government to take any steps. In this “standard” case, additional communication with contractors will not involve an additional disclosure burden, though conduct of all communications should be consistent with the principles of fairness and accountability. Moreover, this rule only applies in those circumstances where a contractor or one or more of its employees are registered lobbyists, which will not be the case in every meeting.

There have been additional requirements for disclosure regarding spending under the American Recovery and Reinvestment Act (ARRA). Government officials are required by the March 2009 Presidential memorandum on “Ensuring Responsible Spending of Recovery Act Funds”⁵ to disclose discussions with registered lobbyists related to ARRA procurements. Any ARRA procurement that was conducted with involvement from registered lobbyists does carry this additional disclosure requirement (only a small number of all procurements during this period were obligated using funding from ARRA).

Another source of concern might be the additional ethical commitments required of political appointees by Executive Order 13490, “Ethics Commitments by Executive Branch Personnel.” While the ethics pledge required by this Executive Order does extend and strengthen certain limitations on actions by government personnel, most notably with respect to pre- and post-employment restrictions, the pledge does not create general barriers to meeting with industry to discuss procurements. The pledge prohibits some contact with former clients and former employers for two years, which might create a specific limitation in some circumstances, but it does not establish a general prohibition on meeting with registered lobbyists, even in one-on-one circumstances.

Finally, even in the special situations where disclosure is required, that should not be a reason for avoiding communication in situations where the communication will improve the procurement and provide better value to the taxpayer.

⁵ Available at http://www.whitehouse.gov/the_press_office/Memorandum-for-the-Heads-of-Executive-Departments-and-Agencies-3-20-09/.

3.	Misconception – “A protest is something to be avoided at all costs - even if it means the government limits conversations with industry.”
	Fact – Restricting communication won’t prevent a protest, and limiting communication might actually increase the chance of a protest – in addition to depriving the government of potentially useful information.

Protests are, in fact, quite rare. At least 99 percent of procurements are never protested, although high dollar procurements, of course, are more likely to be protested. The overriding goal of the agency and its program managers, contracting officers, and attorneys should be the best procurement solution, and industry engagement can improve the supplies or services received or can reduce the price paid by the government. If contracting officers conduct responsible, meaningful, and constructive communications during the course of a procurement, issues that could give rise to a bid protest are likely eliminated. Trying to make a procurement ‘protest-proof’ is rarely a good use of agency resources, and it may lead to decisions that aren’t in the interest of the government. Moreover, restricting communication for fear of protests may actually increase the likelihood of a protest – for example, by a vendor that hopes to get more information through ‘discovery’ during the protest.

4.	Misconception – “Conducting discussions/negotiations after receipt of proposals will add too much time to the schedule.”
	Fact – Whether discussions should be conducted is a key decision for contracting officers to make. Avoiding discussions solely because of schedule concerns may be counter-productive, and may cause delays and other problems during contract performance.

Although the government often states it intends to award without discussions/negotiations, the clause at FAR 52.215-1⁶ reserves the government’s option to conduct discussions and it is usually a good practice to retain that option.

While discussions may add time to the acquisition schedule, the contracting officer should make a thoughtful decision as to whether to conduct discussions and, if so, what the scope and extent of discussions required should be. Schedule pressures should generally not be the primary, or even a strong, driver in the contracting officer’s decision on whether or not to hold discussions. One consideration the contracting officer should take into account is that conducting robust pre-solicitation communications with industry may actually minimize the need for discussions and result in a better technical solution and improved contract performance. Other considerations include the complexity of the procurement, and the history of change orders on previous or related contracts that were due to lack of a clear understanding of the requirements and contract terms and conditions by the parties. In situations where discussions are not held, post-award contract

⁶ When preparing solicitations, contracting officers should carefully evaluate whether to include the clause at 52.215-1 or its Alternate 1.

modifications that increase the government's costs are often required. These costly changes are negotiated after the government has lost the benefits of a competitive environment.

When discussions are considered helpful to obtaining the best outcome in a procurement, the schedule should be developed accordingly. Contracting officers should be empowered by their management to make these judgment calls on a case-by-case basis and should have the full support of their customers.

5.	Misconception – “If the government meets with vendors, that may cause them to submit an unsolicited proposal and that will delay the procurement process.”
	Fact – Submission of an unsolicited proposal should not affect the schedule. Generally, the unsolicited proposal process is separate from the process for a known agency requirement that can be acquired using competitive methods.

All acquisition officials should be familiar with FAR Subpart 15.6 and their agency's procedures for receiving and evaluating an unsolicited proposal. Receipt of unsolicited proposals should not cause delay in an acquisition.

6.	Misconception – “When the government awards a task or delivery order using the Federal Supply Schedules, debriefing the offerors isn't required so it shouldn't be done.”
	Fact – Providing feedback is important, both for offerors and the government, so agencies should generally provide feedback whenever possible.

Although debriefings are not required when using the Federal Supply Schedules (FSS) under FAR Part 8.4 procedures, even in those situations, agencies are instructed to “provide a brief explanation of the basis for the award decision” where the award was based upon factors other than price (FAR 8.405-2(d)). Agencies that order from FSS contracts regularly are missing an important feedback opportunity if they do not take time to explain to FSS offerors how to improve their offers in the future. For newer contracting officers, the less structured explanation required for FSS offerors can be a valuable learning opportunity to prepare for structured debriefings. In both FSS and FAR Part 15 procurements, agencies are encouraged to provide the maximum amount of relevant information to offerors, rather than focusing on sharing only the minimum that is legally required.

7.	Misconception – “Industry days and similar events attended by multiple vendors are of low value to industry and the government because industry won’t provide useful information in front of competitors, and the government doesn’t release new information.”
	Fact – Well-organized industry days, as well as pre-solicitation and pre-proposal conferences, are valuable opportunities for the government and for potential vendors – both prime contractors and subcontractors, many of whom are small businesses.

Industry days, as well as pre-solicitation and pre-proposal conferences, directly benefit the government by promoting a common understanding of the procurement requirements, the solicitation terms and conditions, and the evaluation criteria. These events also benefit industry – especially small businesses – by providing prime contractors and subcontractors an opportunity to meet and develop relationships or teaming agreements that benefit contract performance. However, the value of these events derives from the government providing the maximum information to potential offerors on its requirements, answering questions, and improving the solicitation based on feedback from the potential offerors. In that way, the requirements can be made as clear as possible to assist potential offerors in providing the best solution to the government.

Strategy - where appropriate, use interactive web-based technology to expand the reach of the exchange, such as a live webinar with streaming video to immediately address questions from stakeholders. Consider combining this with immediate one-on-one meetings with vendors to make these engagements more useful, especially for large, complex requirements.

8.	Misconception – “The program manager already talked to industry to develop the technical requirements, so the contracting officer doesn’t need to do anything else before issuing the RFP.”
	Fact – The technical requirements are only part of the acquisition; getting feedback on terms and conditions, pricing structure, performance metrics, evaluation criteria, and contract administration matters will improve the award and implementation process.

Issuing a high quality solicitation requires engaging with industry on issues that go beyond the government’s technical requirements. In order to appropriately price proposals and reduce the number of potential change orders, industry needs information about any unique terms and conditions, small business set-aside requirements, subcontracting goals, and other matters about which the contracting officer is the expert. Although industry may have had their best technical representatives engaged with the program manager, the contracting officer should communicate to vendors as much information as possible about the government’s needs as early as possible. As a result of early communication, the contracting officer may learn some things that suggest that an

approach somewhat different than planned may cause increased competition, more small business participation, lower prices, or even a better definition of the government’s technical requirements.

Strategy – Issue an RFI to make sure the government not only understands the capabilities of industry, but can develop or improve its acquisition strategy regarding contract type, performance requirements, performance work statements/statements of work, and performance metrics. Release a draft request for proposal, including sections L and M, to be sure the solicitation instructions are clear.

9.	Misconception – “Giving industry only a few days to respond to an RFP is OK since the government has been talking to industry about this procurement for over a year.”
	Fact – Providing only short response times may result in the government receiving fewer proposals and the ones received may not be as well-developed - which can lead to a flawed contract. This approach signals that the government isn’t really interested in competition.

While the FAR does contain some requirements on the length of time between issuance of solicitations and proposal due dates, often task and delivery orders do not have these requirements. Contracting officers should consider that allowing offerors additional time to prepare their proposals will likely yield better proposals, streamlined evaluations, and a reduction in the need for (or scope of) discussions. While the workforce is stretched thin and requirements often arise unexpectedly, shortcutting the proposal development process often results in fewer proposals, and/or proposals that are more difficult to evaluate. This situation can lead to expensive outcomes. Providing adequate time for vendor communication throughout the procurement process – including adequate time for proposals – indicates that the government is interested in obtaining the best outcomes. Contracting officers should have the full support of their customers in determining the right amount of time for receipt of proposals.

10.	Misconception – “Getting broad participation by many different vendors is too difficult; we’re better off dealing with the established companies we know.”
	Fact – The government loses when we limit ourselves to the companies we already work with. Instead, we need to look for opportunities to increase competition and ensure that all vendors, including small businesses, get fair consideration.

FAR Section 10.002 expressly allows for participation in interactive, online communications among industry, acquisition personnel, and customers. While agencies should ensure that these tools can be used securely and appropriately, their use should be encouraged to the maximum extent practicable. In accordance with OMB’s 25 Point Implementation Plan to Reform

Federal IT Management, GSA and OMB will be developing an acquisition communications platform for launch in June 2011 that will increase collaboration on RFIs and draft RFPs, improve communication during question and answer periods, and otherwise support better engagement. Agencies may also have similar tools, and their use should be encouraged.

Strategy – Use the procurement forecast to generate interest and publicize those opportunities available to small businesses. Ensure that the points of contact on the forecast are aware of the content and timing of the release of the document so they can address any inquiries, consider holding an outreach session or webinar to announce the release or update, and don't bundle or overpromise requirements. Hold industry days, public meetings, or small business conferences, and consider hosting multiple outreach sessions for large or complex requirements.

Vendor Communication Plans

Agencies should provide clear, consistent direction to their workforce and industry partners about how to engage with industry prior to the award of contracts and task and delivery orders under the Federal Supply Schedule, government-wide acquisition contracts, and other indefinite delivery/indefinite quantity contracts.

To ensure this, agencies shall develop high-level plans that include the core elements listed below. These plans should be general in nature and can build on existing guidance. OFPP will work with the agencies in the development of the community of practice discussed earlier to identify best practices, training opportunities, samples of guidance, and other information that may be helpful in developing these communication plans.

- 1) Statement of agency commitment to:
 - a) Communicate early, frequently, and constructively with industry;
 - b) Include small businesses and subgroups of small businesses in communications with industry;
 - c) Include vendors that the agency has not worked with in the past;
 - d) Identify, in the agency's published procurement forecast, which procurements are likely to involve opportunity for additional communication with industry; and
 - e) Protect non-public information including vendors' confidential information and the agency's source selection information.
- 2) Identification of senior agency and bureau (if applicable) official responsible for promoting vendor engagement;
- 3) Brief description of efforts undertaken or planned to reduce barriers and promote engagement;
- 4) Criteria for identifying which acquisitions must include vendor input in the pre-award phase and the extent of the required engagement as a condition of approval by the agency's investment review board (or similar body). At a minimum, acquisition plans for high-risk, large-dollar, and complex programs, such as those for major IT systems and for re-competitions that need to attract new entrants to ensure adequate competition, should include a comprehensive vendor engagement strategy that:
 - includes at least one industry day or a pre-solicitation or pre-proposal conference; and
 - allows for a reasonable amount of one-on-one engagement; and
 - allows time for discussions, as needed and in accordance with FAR Part 15, during the proposal evaluation process; or
 - requires a written justification as to why those steps are unnecessary.

- 5) Publication of engagement events to include industry days, small business outreach sessions, pre-solicitation conferences, RFP question and answer sessions, etc. These shall be posted and updated regularly using the existing “special notices” function on www.fedbizopps.gov and on other sites as identified by the agency.⁷
- 6) Brief description of roles and responsibilities of the –
 - a) Contracting Officer
 - b) Program Manager
 - c) COR/COTR
 - d) General Counsel
 - e) Ethics Officers
 - f) OSDBU
 - g) Other Officials⁸
- 7) Training and awareness efforts for employees and contractors;
- 8) Links to existing policies; and
- 9) Plans to follow-up with employees and industry representatives within 6 months of posting the vendor engagement plan, to further refine and improve communication, (e.g., post-award surveys of the contracting officers, program managers, and offerors for large, complex procurements, focus group meetings for general feedback).

⁷ Instructions for posting such events on www.fedbizopps.gov will be provided to agency points of contact for vendor communication as needed.

⁸ Such as those identified in the procurement forecast.



OFFICE OF FEDERAL
PROCUREMENT POLICY

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 7, 2012

MEMORANDUM FOR CHIEF ACQUISITION OFFICERS
SENIOR PROCUREMENT EXECUTIVES
CHIEF INFORMATION OFFICERS

FROM: Lesley A. Field 
Acting Administrator for Federal Procurement Policy

SUBJECT: “Myth-Busting 2”: Addressing Misconceptions and Further Improving
Communication During the Acquisition Process

Early, frequent, and constructive engagement with industry leads to better acquisition outcomes, which is why it is one of the key tenets of the Office of Management and Budget’s 25 Point Implementation Plan to Reform Federal IT Management.¹ Such engagement is especially important for complex, high-risk procurements, including (but not limited to) those for large information technology (IT) projects.

To that end, the Office of Federal Procurement Policy (OFPP) last year issued the “Myth-Busting” memorandum on “Addressing Misconceptions to Improve Communication with Industry during the Acquisition Process.”² In the subsequent months, Federal agencies have taken significant additional steps to improve communications between Federal agencies and the vendor community. These developments are discussed further below.

To continue to make progress in improving these communications, OFPP is issuing this second “Myth-Busting” memorandum. Whereas we focused last year on the misconceptions on the part of Federal agencies, we want to continue the discussion by addressing in this memorandum the misconceptions that may be held by some in the vendor community. As we did last year, we highlight the misconceptions in the Attachment and, for each one, provide the facts about the Federal procurement process, with the goal of improving the productivity of our communications. The Attachment also provides additional information and strategies for both agencies and vendors to promote more effective communication.³

We encourage you to share this information with current and potential industry partners – especially those new to government contracting – as part of your outreach efforts to ensure that we are collectively making the best use of our engagement opportunities.

¹ The 25 Point Implementation Plan to Reform Federal Information Technology Management is available at <http://cio.gov/documents/25-Point-Implementation-Plan-to-Reform-Federal%20IT.pdf>

² The OFPP memorandum of February 2, 2011, is available at <http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/Myth-Busting.pdf>

³ Nothing in this memorandum should be read to alter, or authorize violations of applicable ethics rules, procurement integrity requirements, or other statutes or regulations that govern communication and information sharing.

As part of the ongoing, government-wide effort to improve vendor communication, OFPP and OMB's Office of E-Government and Information Technology worked with the Chief Financial Officers (CFO) Act agencies to develop vendor communications plans for:

- reducing barriers to communication,
- incorporating more industry input into agency acquisitions,
- publicizing engagement events, and
- providing training and awareness to employees and vendors.

To increase vendor awareness of these plans and upcoming engagement opportunities, the Chief Acquisition Officers Council worked with the Integrated Acquisition Environment team at the General Services Administration to add a new vendor collaboration feature on the FedBizOpps homepage (www.fbo.gov). Through this Vendor Collaboration Central Event Listing, vendors have quick and easy access to agencies' engagement opportunities, such as industry days, pre-Request for Proposal (RFP) conferences, vendor forums, etc. (Agencies are encouraged to post their upcoming events in accordance with the instructions found on FedBizOpps.)

Since the first "Myth-Busters" memorandum was issued last year, agencies have taken strong steps to promote effective strategies for engagement, including the following examples:

- The Nuclear Regulatory Commission uses several avenues for vendor outreach:
 - Quarterly Business Seminars to educate vendors about the agency,
 - One-on-one discussions between vendors and project managers regarding current technology and future requirements, and
 - Technical counseling sessions for market research on specific requirements.
- The Department of Education held a webinar with prospective offerors in the presolicitation phase of the English Language Learners Professional Development Network procurement.
 - The webinar was advertised on FedBizOpps, and 55 vendors participated. Afterwards, a transcript was posted to FedBizOpps along with the solicitation.
 - This strategy increased competition and resulted in a better solution using innovative ideas that had not previously been considered.
 - This virtual outreach can save time and money and increase participation.

To further assist agencies in these efforts, an Acquisition Collaboration Toolkit has been added to the “vendor engagement collaboration community of practice” at <https://max.omb.gov/community/x/INBIg>. To facilitate their early communication with vendors, agencies have multiple tools at their disposal, ranging from wikis and blogs to webinars and meetings. The Acquisition Collaboration Toolkit provides tips, checklists, and additional information on how to use various media tools to host early vendor engagement opportunities. If you have additional best practices and success stories regarding ways to facilitate vendor collaboration, please send them to Joanie Newhart at the email address below.

More effective vendor engagement results from a change in culture in both government and industry organizations. Government professionals must incorporate vendor engagement strategies into their acquisition planning and execution whenever possible. Industry professionals should understand that agencies must balance their limited resources, and that expansion of vendor engagement must begin in those areas most likely to produce positive outcomes in the form of greater efficiency, contract savings, or better requirements development. Together, our efforts will result in more effective solutions to the government’s needs and provide a better value proposition for all of us as taxpayers.

Thank you for your commitment to this important matter. Please contact Joanie Newhart on (202) 395-4821 or jnewhart@omb.eop.gov if you have any questions.

Attachment –Vendor Misconceptions about Communications
with the Federal Government

cc:
Agency General Counsels and Solicitors
Agency Ethics Officers

Vendor Misconceptions about Communications with the Federal Government

1.	Misconception – “The best way to present my company’s capabilities is by marketing directly to Contracting Officers and/or signing them up for my mailing list.”
	Fact – Contracting officers and program managers are often inundated with general marketing material that doesn’t reach the right people at the right time. As an alternative, vendors can take advantage of the various outreach sessions that agencies hold for the purpose of connecting contracting officers and program managers with companies whose skills are needed.

Contracting and program offices are often inundated with marketing material, and this fact lowers the chances that a vendor’s reliance on marketing material will enable these offices to focus on the firm’s capabilities.

A more effective approach is to make your capabilities known through outreach sessions that agencies hold to provide information on how best to do business with the agency, and to provide information on future requirements. Many times these outreach sessions will provide an opportunity for vendors to meet with program managers and contracting officials to generally discuss items on annual procurement plans. Vendors are also encouraged to attend pre-proposal conferences to receive more detailed information about specific agency requirements.

A new Vendor Collaboration Central Event Listing has been added to the FedBizOpps homepage, www.fbo.gov, which provides quick and easy access to agency vendor communication plans and upcoming vendor collaboration events or engagement opportunities, such as industry days, pre-RFP conferences, vendor forums, etc. The FedBizOpps homepage also has a Small Business Central Event Listing where agencies post small business events, such as conferences and training, which can also help you make contact with the appropriate individuals within an agency.

Being familiar with already-available information reduces the burden on the workforce generally, and will make your conversations more targeted and productive. There are several resources that are available to help you find information about existing contracts and upcoming projects. For example, www.usaspending.gov can be queried to get information about current contracts that may be expiring soon; agency websites often have their advanced acquisition

forecasts posted,⁴ and appropriations acts can be a good place to look to see what the agency plans to acquire in the coming year. Another resource is the Government Printing Office's (GPO's) Federal Digital System (FDSYS), available at <http://www.gpo.gov/fdsys/>. FDSYS has electronic copies of the U.S. Government Budget, Code of Federal Regulations, and other helpful information. To better understand agency market research practices, the Department of Homeland Security's Market Research Guide⁵ details the process and can provide insight on how and why market research is conducted.

Best Practices

- ✓ *The Department of Homeland Security's (DHS) recent Industry Day was conducted via live webcast and was attended or viewed by nearly 2,700 vendors. The event, hosted by the Office of the Chief Procurement Officer (OCPO), provided a valuable opportunity for industry stakeholders to learn early in the acquisition process about the Department's acquisition goals and expectations and other matters that affect their ability to compete for contracts. In an effort to involve industry more in the outreach, DHS asked industry leaders to moderate the panel discussions and lead the questioning of DHS panelists about issues involving the top DHS spend categories -- professional services, science and technology, screening technology, and cyber security/intelligence. Industry's response to the new format and the event itself was overwhelmingly positive.*
- ✓ *The U.S. Agency for International Development (USAID) holds small business vendor outreach sessions that are posted on www.fbo.gov. At these sessions, USAID typically provides information on doing business with USAID, has a prime contractor discuss its current role in supporting the agency's mission and relief efforts overseas, and offers a small business success story.*
- ✓ *It's always a good idea for an agency to find out why vendors did **not** bid on a solicitation. It's worth taking the time to call the vendor in case there were competition-limiting items in the solicitation or practices in the acquisition process. Obtaining this information allows the agency to improve future acquisition processes.*
- ✓ *Agency contracting professionals do not find mass emails helpful as these professionals are frequently inundated with generic marketing materials. It is much more effective to target your e-mails to them on specific capabilities or projects.*

⁴ A list of Federal agencies with links to their websites is available at <http://www.usa.gov/directory/federal/index.shtml>.

⁵ Appendix I to the Department of Homeland Security Acquisition Manual, available at http://www.dhs.gov/xlibrary/assets/opnbiz/cpo_hsam.pdf

2.	Misconception – “It is a good idea to bring only business development and marketing people to meetings with the agency’s technical staff.”
	Fact – In meetings with government technical personnel, it’s far more valuable for you to bring subject matter experts to the meeting rather than focusing on the sales pitch.

Agency personnel are interested in better understanding the marketplace, advances in technology, and your firm’s capabilities. In order to gain this understanding, it is usually more helpful for them to discuss technical issues than business development issues.

Industry professionals can benefit by conducting research about the agency in advance of scheduled meetings with agency professionals. Valuable time during one-on-one meetings is often spent sharing commonly available information, which is not helpful to either party. Before meeting with agency personnel, review information on the agency’s website, such as the agency’s mission, structure and organization; its advanced acquisition plans; and its budget. In addition, information on existing contracts in your areas of interest is available at www.usaspending.gov, and information on the specific program of interest is at <http://business.usa.gov/find-resources>. This information will enable you to tailor your presentation to agency officials.

Your technical team may be in the best position to provide the information that the agency needs, and therefore they should be included in these meetings.

Best Practices

- ✓ *The Nuclear Regulatory Commission (NRC) has several avenues for industry outreach: 1) Quarterly Business Seminars which educate vendors about the agency, its mission and business opportunities, as well as NRC’s technical programs, 2) Reverse Green Technology Fairs which feature one-on-one discussions between vendors and Project Managers regarding current technology and future IT requirements, and 3) One-on-One Technical Counseling Sessions which provide vendors with technical guidance on how to conduct business with NRC. Once a specific requirement opportunity is identified, a meeting is coordinated between the specific Project Manager and the vendor. NRC’s Office of Small Business and Civil Rights facilitates these vendor outreach sessions.*
- ✓ *Vendors should bring their technical experts to meetings with agencies. Their knowledge of advances in technology and your firm’s capabilities are much more helpful to agencies than generic sales presentations.*

3.	Misconception – “Attending industry days and outreach events is not valuable because the agency doesn’t provide new information.”
	Fact – Industry days and outreach events can be a valuable source of information for potential vendors and are increasingly being used to leverage scarce staff resources.

The purpose of industry days and outreach events is to communicate the agency mission and upcoming requirements to industry. This information will assist you in deciding whether to invest valuable resources in developing a bid or proposal in response to the government’s solicitation requirements. Vendors may have the opportunity to hear from and speak to agency representatives about their requirements, and can often meet one-on-one with agency personnel before or after the event. Many times, agencies hold sessions designed to help new vendors do business with them. In these sessions, agency personnel are on hand to answer any questions about how to do business with the agency. Gaining a better understanding of an agency will help you more effectively target your outreach, thereby saving valuable resources, and helping you respond to solicitations more effectively. In addition, industry days are a great way to network and make potential subcontract contacts. The Vendor Collaboration Central Event Listing on the Federal Business Opportunities webpage (www.fbo.gov) can help you identify events being held.

Best Practices

- ✓ *More agencies are beginning to hold these meetings virtually to save time and money and increase competition. For example, the Department of Education held a webinar with prospective offerors in the presolicitation phase of the English Language Learners Professional Development Network procurement. This webinar was advertised in advance on FedBizOpps, and 55 vendors participated. Afterwards, a transcript was posted to FedBizOpps along with the solicitation. In addition, the new toolkit for increasing pre-RFP communication encourages agencies to use a variety of social media to engage vendors. If your travel dollars are limited, ask agencies to make their industry days more accessible by offering them online or using other, widely-accessible technologies.*
- ✓ *Agency events can be very valuable. Not only do vendors learn more about the agency, they also get a chance to talk to agency contracting and program professionals face-to-face. Vendors should take advantage of agency outreach opportunities.*

4.	Misconception – “Agencies generally have already determined their requirements and acquisition approach so our impact during the pre-RFP phase is limited.”
	Fact – Early and specific industry input is valuable. Agencies generally spend a great deal of effort collecting and analyzing information about capabilities within the marketplace. The more specific you can be about what works, what doesn’t, and how it can be improved, the better.

Agencies appreciate industry’s valuable input into their acquisition strategies and solicitation packages because it may result in a better solution to their requirements. Simply providing suggestions and comments prior to formal requirements development will not trigger an organizational conflict of interest, as long as the vendor is not then hired to develop the requirements. Suggesting detailed solutions to your concerns is even more valuable. Agencies may issue a Request for Information (RFI) as part of market research to investigate the industry and marketplace in accordance with Federal Acquisition Regulation (FAR) Part 10, to determine if commercial items are available, to determine if small businesses are capable of meeting the agency’s needs, and for many other planning purposes. Agencies may also issue a draft RFP to obtain comments and suggestions from potential vendors on how to improve the solicitation. Agencies may hold pre-solicitation or pre-proposal conferences or webinars, or post wikis to explain the requirements, solicitation process, and evaluation factors.⁶ These engagement opportunities often allow for vendor questions and feedback. You should take advantage of every opportunity to provide the kind of targeted suggestions you’d like to see in the finished product.

Additionally, FAR 15.201 encourages exchanges with all interested parties, beginning at the earliest identification of a requirement through receipt of proposals. After release of a solicitation, the contracting officer is the focal point of any communications with the government to ensure a fair competition is conducted. Many times, a question and answer period is included in the acquisition process, allowing time for potential offerors to review the solicitation and submit questions. Should that not be the case, you are still encouraged to ask the contracting officer any questions that you have, in a timely manner, in order to ensure you understand the solicitation. Contracting officers generally prefer questions via e-mail so that they can ensure they understand the question and so they can facilitate obtaining an answer. Should the contracting officer decide to make any changes to the solicitation, it will be done via an amendment to the solicitation and posted for public viewing.

⁶ Government personnel can learn more about creating productive pre-RFP engagements in the Acquisition Collaboration Toolkit available on the vendor engagement collaboration community of practice at <https://max.omb.gov/community/x/ INBIg>.

Best Practices

- ✓ *In trying to get the best value for their agency and for the taxpayers, contracting and program professionals want to know when products or services are available in the marketplace that can save money or provide a better solution or both. It is most helpful to provide that information early in the procurement cycle.*
- ✓ *Be specific and clear in your feedback. For example, if an agency is considering a performance-based contract for services but, in your firm's view, has not adequately defined the performance standards, provide the agency with specific suggestions for how the work should be evaluated based on your experience and expertise.*
- ✓ *The General Services Administration's Central Contracting Office recently sought input on the procurement of the next generation of the agency's enterprise IT services and support. Through RFIs, the agency first sought input on the current challenges and strategic technology initiatives, asking industry how it would recommend the agency approach those challenges. A subsequent RFI was issued to seek more specific input to the draft solicitation. A pre-proposal conference, attended by over 50 vendors, helped to further refine agency requirements.*

5.	Misconception – “If I meet one-on-one with agency personnel, they may share my proprietary data with my competition.”
	Fact – Agency personnel have a responsibility to protect proprietary information from disclosure outside the Government and will not share it with other companies.

Agency personnel have a responsibility to protect any information that was received in confidence from an offeror. During source selection, the Procurement Integrity Act and its implementing provisions in the FAR⁷ prohibit Federal procurement officials from disclosing – prior to award of the relevant contract – contractor bid, proposal information or source selection information to any person other than a person authorized to receive such information. Procurement officials take this prohibition very seriously; if a violation occurs, there may be criminal and civil penalties.

While the protections of the Procurement Integrity Act do not apply prior to source selection, other protections remain. In many cases, the Trade Secrets Act⁸ will prohibit Federal employees from divulging protected information, including confidential commercial or financial data, trade secrets, operations, processes, or style of work. Also, the Freedom of Information Act (FOIA) allows agencies to protect commercial or financial information that is privileged or confidential.⁹ In cases where a vendor is concerned that existing protections are insufficient and engaging in pre-solicitation communication will be beneficial, agencies should consider the use of appropriate non-disclosure agreements (NDAs) to ensure that proprietary information will be kept from potential competitors.

⁷ 48 C.F.R. § 3.104-1-11, available at <http://www.gpo.gov/fdsys/pkg/CFR-2010-title48-vol1/pdf/CFR-2010-title48-vol1-part3.pdf>

⁸ 18 U.S.C. § 1905, available at <http://www.law.cornell.edu/uscode/text/18/1905>

⁹ 5 U.S.C. § 552(b)(4), available at <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title5/pdf/USCODE-2010-title5-partI-chap5-subchapII-sec552.pdf>

6.	Misconception – “Agencies have an obligation not to share information about their contracts, such as prices, with other agencies, similar to the obligation they have not to disclose proprietary information to the public.”
	Fact – There are no general limitations on the disclosure of information regarding existing contracts between agencies within the Government. In fact, agencies are encouraged to share pricing information to ensure that we are getting the best value for our taxpayers.

As explained above, agencies have a responsibility to protect proprietary information from disclosure outside the Executive Branch. Restrictions on such outside disclosure prevent harm both to the competitive position of the contractor amongst its competitors and to the interest of the Government in being able to maintain a robust and competitive marketplace.

By contrast, the flow of information among and between agencies within the Executive Branch does not cause such harm. Moreover, such sharing among and between agencies can enable the Federal Government to root out wasteful duplication and negotiate better deals for the taxpayer.

Therefore, while there might be occasional circumstances where an agency could benefit from signing an NDA that would restrict its sharing of information with another agency, agencies should generally avoid NDAs that prohibit sharing of information – particularly pricing information – within the Government. Price visibility is critical to ensuring that the Government gets the best prices and that agencies are not paying more for the same products or services being bought under the same circumstances. As agencies face increasingly constrained budgets, it is critical that they share more pricing information with their Federal colleagues to ensure that the Federal Government is obtaining the best prices for the taxpayer.

Best Practice – GSA’s SmartBuy Federal Strategic Sourcing Initiative (FSSI) provides a collaboration area for their interagency Commodity Team members to post their software orders and awarded contracts in order to share prices, and terms and conditions. This sharing of information will allow agencies to compare their requirements with those already procured by the Federal Government to ensure they get the best value for taxpayer dollars. Agencies are encouraged to participate in the Commodity Team. To request membership, send an e-mail to the SmartBuy team at smartbuy@gsa.gov.

	<p>Misconception – “To develop my new proposal, I don’t really need to tailor my solution to the specific solicitation since the government won’t read my proposal that closely anyway.”</p>
<p>7.</p>	<p>Fact – Offerors should tailor each proposal to the evaluation criteria, proposal instructions, and specific requirements of the solicitation to which they are responding. Contracting Officers and evaluation team members read proposals closely for compliance with the proposal instructions and must evaluate them against the evaluation factors and the statement of work in the solicitation.</p>

Each proposal should be tailored to the final solicitation which lists the requirements, instructions to offerors on how to propose, and evaluation factors. Using your proposal, Government evaluators will determine the strengths and weaknesses of your proposal and also your firm’s ability to perform the prospective contract successfully. If you cut and paste from previous proposals or repeat the solicitation, your proposal may miss the mark in explaining your solution. Offerors that are not responsive to the solicitation risk being eliminated from the competition, thereby wasting valuable time and resources used to prepare the proposal.

You should attend a pre-solicitation or pre-proposal conference if it is offered by the agency. At that conference, the agency will provide you with a better understanding of the procurement and what is required in the proposal, which will help you develop a more comprehensive proposal addressing the requirements.

If you are looking for some assistance in how to be most responsive to government solicitations, there are several resources available to assist you:

- ***Business Breakthrough:*** GSA has recently created this program to help businesses better understand how to successfully navigate government contracting, including strategies to prepare a winning proposal.¹⁰
- ***Procurement Technical Assistance Program:*** Created by Congress in 1985 to help businesses seeking to compete successfully in Federal, state and local government contracting, the nationwide network of Procurement Technical Assistance Centers provide one-on-one counseling sessions, classes, seminars and matchmaking events at little or no cost.¹¹

¹⁰ More information is available at <http://www.gsa.gov/portal/category/101431>.

¹¹ More information is available at <http://www.aptac-us.org/new/index.php>.

- **Offices of Small and Disadvantaged Business Utilization (OSDBU):** OSDBUs are the primary advocate within each Federal executive agency responsible for promoting the maximum practicable use of all designated small business categories within the Federal acquisition process. You can find a listing of agency OSDBUs at <http://www.osdbu.gov/members.html>.
- **Veterans First Contracting Program:** The Department of Veterans Affairs has created the Center for Veterans Enterprise (CVE), which is solely dedicated to assisting veterans in starting and building businesses. CVE has a web portal for veteran-owned businesses which is available at <http://www.vetbiz.gov>.
- **BusinessUSA.gov:** A new website, BusinessUSA at <http://business.usa.gov>, was recently developed to be a one-stop shop to help small businesses and businesses of all sizes find information about available Federal programs and opportunities without having to spend time navigating from one Federal agency to another. BusinessUSA combines best practices and information from government agencies.

Best Practices

- ✓ *It is helpful to develop a checklist of solicitation requirements to ensure that a response is provided for each requirement and that it is in the format requested in the solicitation. If you follow the solicitation instructions, it will facilitate evaluation of your proposal.*
- ✓ *Proposals in which vendors simply cut and paste from the RFP or use the same language from a previous proposal often miss important evaluation factors or misunderstand the nuances of the requirements are rarely selected for award.*
- ✓ *Vendors should be fully responsive to all evaluation factors, including past performance information. Some vendors falsely assume they will get credit for good performance since the government was aware of its work, even if the vendor doesn't mention it in its proposal.*

8.	Misconception – “If I lose the competition, I shouldn’t bother to ask for a debriefing. The Contracting Officer won’t share any helpful information with me.”
	Fact – Unsuccessful offerors should ask for a debriefing to understand the award decision and to improve future proposals.

In a formal procurement, the process by which offerors request and receive an explanation of the award decision is the debriefing. Asking for a debriefing is the best way to find out why you were not awarded the contract or order.

In accordance with FAR 15.505 and 15.506, agencies must provide debriefings to unsuccessful offerors in negotiated procurements upon written request either when excluded from the competitive range prior to award, or upon notification of award. These debriefings can be provided in person or in writing, depending on the agency’s preference. When conducting competitions under FAR Part 8, agencies must provide a brief explanation to unsuccessful offerors on awards that are based on factors other than price alone. You can use the information provided to adjust your proposal strategy in future procurements to be more competitive.

We recognize that agencies can sometimes do a better job of letting vendors know why they didn’t receive an award. This is especially true in cases where award is based on other than price alone. While agency procurement personnel are extremely busy, often handling multiple solicitations and contracts at the same time, OFPP’s February 2, 2011 “Myth-Busting” memorandum encouraged agency contracting professionals to not only provide debriefs, but to provide as much information as possible in the debriefing.

Best Practices

- ✓ *One agency encourages the debriefing of the **winning** offeror. This way, the vendor can get specific, targeted feedback on what it did right in the proposal and what it could do even better in the future.*
- ✓ *Another agency writes its selection memorandum with detailed information about the strengths and weaknesses of all the offers so that everyone who bid can understand the outcome. This has reduced protests and received positive feedback from participants.*
- ✓ *Agencies appreciate when unsuccessful vendors request debriefings because it gives contracting professionals an opportunity to point out weaknesses in the vendor’s proposal and provide them with the rationale for award. This valuable information can help vendors be more competitive on future proposals.*